IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR
S.B. Civil Misc. Writ Petition No.8104/06
Smt. Lali & Anr. Vs. Addl. District &
Sessions Judge & Anr.

27.8.2007

Hon'ble Mr. Justice Mohammad Rafiq

Shri Ali Mohd. for petitioners.
Shri Sukhram Jatav for respondents.

The petitioners have challenged the orders dated 10.12.2005 and 5.7.2006 whereby the Tribunal disallowed the application of the petitioners-claimants to pay the compensation amount already deposited by the Insurance Company till the vehicle owner submits the security.

Challenge was made on similar grounds to the condition requiring the claimants to submit solvent security from the owner of the vehicle in number of similar writ petitions in the past.

Coordinate benches of this Court in Smt. Rama & Balwant Singh, S.B. Civil Writ Petition No.71/06, Banwari Lal Vs. Gopi Ram, S.B. Civil Misc. Appeal No.481/05, Sheoji Ram Mali Vs. The Judge, ADJ (F.T.) No.7, Jaipur & City & Ors., Kumari Nargis Vs. Karan Singh & Ors., S.B. Civil Misc. Appeal No.356/05 & Manju (Smt.) & Ors. Vs. Addl. District & Session Judge & Ors. and by this Court in Smt. Uganti Devi & Ors. Vs. MACT, Jaipur City & Ors., S.B. Civil Writ Petition No.2999/07 wherein it was held that the aforesaid condition is unreasonable and unjustified and therefore that was waived.

Having gone through the aforesaid judgments, I find myself in agreement with the view taken therein. The condition of making the payment of compensation to the claimants to depend upon the factum of

security being furnished by the owner of the vehicle involved in the accident can neither be said to be justified nor reasonable.

The impugned condition is therefore ordered to be deleted and it is directed that the amount of compensation shall be forthwith released to the claimants subject to the scheme of investment etc. evolved by the Tribunal in the award.

The writ petition is accordingly allowed.

(Mohammad Rafiq),J.

anil/-